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File No. O.S.A.C. Exam
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Subject:—

Opinions under the Secondary
School Certificate Examinati
Act 1948

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Office of the R.L.A.

Bombay Secondary School Certificate Examination Act, 1948.

section 2(h).

Bom. Secondary School Certificate Examination Regulations, 1948.

Regulations 29 & 30.

Mr. Jhamatmal V. Nathani, Principal, Sindhi Model High School, Agra, has requested Government to permit 40 Sindhi students studying in his school, to appear for the Secondary School Certificate Examination to beheld in March 1949, if a certificate is given by him that each students has received education for a period of more than 100 days in a regular High School. The Chairman of the Secondary School Certificate Examination Board, who was consulted in the matter, considers that the above-mentioned 40 students may be allowed to appear for the ensuing Secondary School Certificate Examination 1949 as a special case provided. -

(1) The Director of Public Instruction, U.P., certifies that Sindh Model High School at Agra has been recognised as a full High School in that Province and that the pupils in the School would have been otherwise eligible to appear for a corresponding Examination in that Province;

(2) The Principal certifies in the case of each students that:-

(a) his progress, conduct and attendance at the school has been satisfactory,

(b) he has carried out satisfactorily the practical work prescribed in the subject or subjects taken by him,

(c) he is a fit personas regards character for admission to the Examination; and

(3) All such pupils agree to appear for the Examination at Bombay Centre only.

The D.P.I. agrees with the Chairman in toto and E. & I.D. proposes to permit the pupils to appear for the secondary School Ceritificate Examination on the condition suggested by the Chairman. The R.L.A. is requested to advise on the legal position.

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Under section 28 of the Bombay Secondary School Certificate Examination Act, 1916, Government has made regulations. Under regulation 29, all High Schools which are recognised High Schools, under section 2(h) of the Act shall be eligible to send up candidates for the Examination subject to such conditions as may be prescribed from time to time by the Board. "Recognised High School" as defined in section 2(h) means a High School recognised by the Director of Public Instruction, Bombay Province, or an officer authorised by him in this behalf or a High School registered by any University established by law in the Province. The Sindhi Model High School, Agra, is not a recognised High School within the meaning of section 2(h). Consequently, that High School would not be entitled to send up 40 Sindhi students studying in that High School for the Secondary School Certificate Examination. Regulation 29 impliedly prohibits Schools other than recognised High Schools from sending up candidates for the Examination. Regulation 30 will have to be so interpreted as to reconcile it with Regulation 29 so that the candidates from Schools other than recognised High Schools shall not be admitted to the Examination. Consequently, the Sindhi Model High School, Agra, cannot be entitled to send up its students for the Secondary School Certificate Examination to be held in the Province of Bombay.

Id./- P.M.L.
Remembrancer of Legal Affairs.

U.R. to E. & I.D., No. 11937, dated the 16th December 1948.

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